

REMARKS

This reply is in response to the Office Action dated February 26, 2009. Claims 87-95 and 100-118 are pending in the application. Claims 87-95 and 109 have been withdrawn from consideration by the Examiner. Claims 100-108 and 110-118 stand rejected.

Applicant has canceled the withdrawn claims 87-95 and 109 without prejudice, preserving the right to pursue the subject matter in a separate divisional application.

Applicant has amended claims 108 and 110 to correct unintentional, antecedent basis informalities. Such amendments are not in response to the cited prior art nor directed to the patentability of the invention. Those proposed amendments are also not intended to narrow the claims or otherwise limit the scope of equivalents thereof. No new matter has been added.

Entry of the foregoing amendments and reconsideration of the claims is respectfully requested.

Claim Rejections -- 35 USC § 112

Claims 100-108 and 110-118 stand rejected under 35 U.S.C. § 112, second paragraph.

Applicant has amended base claims 108 and 110, obviating the rejection. Specifically, applicant has amended claims 108 and 110 to correct the unintentional, antecedent basis informality noted by the Examiner. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Claim Rejections -- 35 USC § 103

Claims 102-108, 110 and 113-118 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang (U.S. Patent No. 5,439,628; hereafter "Huang") in view of Mitsuno et al. (European Patent No. 0 243 206; hereafter "Mitsuno") and either of Fujii et al. (U.S. Patent No. 5,473,016; hereafter "Fujii") or Nicoll (U.S. Patent No. 4,311,658; hereafter "Nicoll"), and in view of Emura et al. (U.S. Patent No. 4,436,685; hereafter "Emura").

Applicant respectfully traverses the rejection on grounds that none of the cited references, either alone or in any combination, teaches, shows, or suggests thermoforming a matte extruded sheet to provide a container having a micronodular surface, and a non-micronodular surface, wherein the micronodular surface has a surface roughness that is greater than a surface roughness of the non-micronodular surface, as required in every claim. *Huang* discloses that a "polypropylene sheet produced by the invented method requires no chemical treatment to make its surface rough and coarse to resemble paper because of the extra-fine filler particles effusing from its surface." Col. 7, ll. 47-54. Indeed, both sides of the polypropylene sheet produced according to *Huang's* process are rough and coarse. Therefore, *Huang* makes no mention of thermoforming a polypropylene sheet into an article that has a micronodular surface and a non-micronodular surface, as required in every claim. Neither *Mitsuno*, *Fujii*, *Nicoll*, *Emura*, nor any combination thereof, does anything to cure the deficiencies of *Huang*. Indeed, none of those references teach, show, or suggest thermoforming a matte extruded sheet to provide a container having a micronodular surface and a non-micronodular surface, as required in every claim. Therefore, a combination of the references does not teach, show, or suggest the claimed invention. For at least this reason, withdrawal of the rejection

Claims 100, 101, 111 and 112 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Huang* in view of *Mitsuno* and either of *Fujii* or *Nicoll*, and in view of *Emura* as applied to claims 102-108 and 110 and 113-118 above, and further in view of *Throne* (Non-Patent Literature Document entitled Thermoforming written by James L. Throne; hereafter "*Throne*") and/or *Watkins et al.* (U.S. Patent No. 5,514,315; hereafter "*Watkins*").

Applicant respectfully traverses the rejection. *Huang*, *Mitsuno*, *Fujii*, *Nicoll*, and *Emura* have been discussed and distinguished above. *Throne* and *Watkins* do nothing to remedy the noted deficiencies of *Huang*, *Mitsuno*, *Fujii*, *Nicoll*, and *Emura*. Since claims 100 and 101 include all the limitations of claim 108 and claims 111 and 112 include all the limitations of claim 110, those claims are allowable for at least the same reasons. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the pending claims are now in condition for allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been addressed to the Examiner's satisfaction.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fees be charged to Deposit Account No. 50-0674.

Respectfully submitted,

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Date

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